IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

SUMMARY SUIT NO.268 OF 2005

Canara Bank ..Plaintiff.

Vs.

B. Ariraman & Anr. ..Defendants.

....

Ms. Reena Singh i/b K. R. Lalchandani for the Plaintiff.
None for the Defendants.

....

CORAM: **DR. D.Y. CHANDRACHUD, J.**

2nd April, 2007.

P.C. :

The suit is based on a demand promissory note dated 24th October, 2001 executed by the Defendants in favour of the Plaintiff, in the amount of Rs.75,000/- together with interest at 4% above the ongoing PLR with minimum of 16.25% per annum. The Defendants also executed a delivery letter dated 24th January, 2001, a letter of undertaking dated 24th October, 2001 and a guarantee agreement dated 24th October, 2001. The Plaintiff had extended a loan in the amount of Rs.75,000/- to the First and the Second Defendants by a letter of sanction dated 22nd October, 2001. The loan was repayable

in 36 monthly installments commencing from November 2001. The loan was disbursed to the Defendants. On a default by the Defendants, the Plaintiff addressed an advocate's letter dated 18th December, 2004. An account has been maintained by the Plaintiff in the usual course of business.

The Defendants have not entered appearance despite service of the writ of summons. An affidavit of service has been filed. The Plaintiffs have tendered a compilation of the original documents which are taken on the record. The claim of the Plaintiffs has been duly established on the basis of the evidence on the record. The Defendants having failed to enter appearance despite service of the writ of summons, the Plaintiffs would in any event be entitled to the decree in terms of Order 37 of the Code of Civil Procedure 1908. The claim of the Plaintiff falls within the purview of Order 37. There shall accordingly be a decree in terms of prayer clause (a) saveand except with the modification that the Plaintiff would be entitled to interest at the rate of 9% per annum from the date of the suit until payment or realization.

Refund of Court Fees, if any, as per rules.